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Report of the Special Rapporteur on trafficking in persons, especially women and children, Joy Ngozi Ezeilo

Addendum

Visit to Morocco* **

Summary

The Special Rapporteur on trafficking in persons, especially women and children visited Morocco from 17 to 21 June 2013 at the invitation of the Government. In the present report, she refers to key challenges and issues of concern on trafficking in persons in Morocco. She also underlines the country's resolve to combat trafficking in persons and the steps being taken. The Special Rapporteur makes a number of recommendations to the Government with regard to, inter alia, the creation of a legal and institutional framework to combat trafficking and effective measures on capacity-building, victim identification, data collection, victim support and assistance, and the prosecution of perpetrators.

* The Special Rapporteur also visited Dakhla, Western Sahara, on 20 June 2013. As an independent mandate holder, her visit should not be interpreted as expressing any political view concerning the present or future status of the Non-Self-Governing Territory of Western Sahara. The territory is subject to the right to self-determination in conformity with the principles contained in General Assembly resolutions 1514 (XV) and 1541 (XV).

** The summary of the present report is circulated in all official languages. The report itself, contained in the annex to the summary, is circulated in the language of submission and in French only.

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Annex

[English and French only]

Report of the Special Rapporteur on trafficking in persons, especially women and children, on her visit to Morocco

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I. Introduction and methodology

1. The Special Rapporteur on trafficking in persons, especially women and children, Joy Ngozi Ezeilo, visited Morocco from 17 to 21 June 2013 at the invitation of the Government.

2. During her mission, the Special Rapporteur visited Rabat, Casablanca and Tangier, where she met with officials from the Ministries of Foreign Affairs and Cooperation, Interior, Justice and Liberties, Labour and Vocational Training, Health, Youth and Sports, Tourism, Solidarity, Women, Family and Social Development, the Ministry in charge of Moroccans living abroad and the Inter-Ministerial Delegation for Human Rights, as well as with representatives of the Cassation Court, the General Directorate of National Security, the Royal Gendarmerie, the General Delegation for Penitentiary Administration and Reinsertion, the National Council for Human Rights and regional authorities. She also visited social protection centres and shelters for women and children.

3. The Special Rapporteur wishes to thank the Government for its collaboration in facilitating meetings with officials from the various ministries and departments. She appreciated the openness with which authorities discussed issues relating to trafficking in persons. She also wishes to express her gratitude to the members of the United Nations country team for their assistance and support, and to the different civil society interlocutors that cooperated with her throughout the visit. She hopes that the recommendations made in the present report will support the Government in its efforts to combat trafficking through a human rights-based approach.

4. The Special Rapporteur points out that, owing to a number of factors, such as the lack of collected data on human trafficking, the lack of knowledge and information on this phenomenon among the majority of the interlocutors and the absence of national institutions that deal specifically with the issue of trafficking in persons, many discussions that she held with various State and non-State interlocutors during her visit touched upon issues related to irregular migrants. It should therefore be noted that the present report contains a number of references to the situation of irregular migrants, who are also deemed to be a group at a high risk of trafficking.

II. Main findings

A. Migration trends

5. There is a substantial flow of irregular migrants, most of whom transit through Morocco from sub-Saharan Africa to Europe. According to Moroccan authorities, Morocco is increasingly becoming a destination country, mainly as a result of stricter border controls and entry restrictions to European countries. According to the International Organization for Migration (IOM), Morocco currently hosts some 20,000 irregular migrants. According to the Government, 30,683 irregular migrants were arrested from 2009 to 2011.[1] According to government estimates, about 20,000 irregular migrants attempt to enter Spain each year. According to the Moroccan authorities, few irregular migrants who have decided to stay in Morocco have been successfully integrated. Furthermore, non-governmental interlocutors informed the Special Rapporteur that, in response to rising irregular migration from abroad, an increasingly xenophobic reaction has been noted in the general public towards migrants,

[1] CMW/C/MAR/1, para. 437.

refugees and asylum seekers. The Special Rapporteur was also informed that many Moroccans living abroad had become victims of trafficking.

6. The vast majority of the sub-Saharan migrant population in Morocco comes from West Africa, and includes people who have been forced to flee their country of origin by socioeconomic factors, such as lack of sufficient resources to secure a livelihood and limited employment and economic opportunities. The recruits for trafficking in persons are mainly brought by networks of traffickers. Although migration routes frequently change, most sub-Saharan migrants enter Morocco through Maghnia, a town on the Algerian side of the border, and the town of Oujda in Morocco. Although the number of irregular migrants from sub-Saharan Africa to Oujda had decreased since 2010, an increase has been observed since mid-2012.[2] In some areas of the city of Nador, in Morocco, a considerable number of irregular migrants of different nationalities are controlled by individuals involved in trafficking and waiting for boats or other means of transportation that may take them to Europe. Irregular migration via sea routes has, however, decreased in recent years.

B. Forms and manifestations of trafficking in persons

7. Morocco faces significant challenges as a source, transit and, to a lesser extent (but increasingly) a destination country. According to certain international organizations and national civil society organizations, there has been a significant increase in the number of victims of trafficking in Morocco in recent years. The majority of victims of trafficking and irregular migrants, originating mainly from sub-Saharan Africa, but also from certain South-East Asian countries, are located in the northern part of Morocco. For those in transit, the main destination is Europe, particularly Spain, owing mainly to its geographical proximity. Women and girls are trafficked mainly for sexual exploitation, and men for forced or bonded labour. According to State and non-State interlocutors, the lack of opportunities for education, employment and poverty are the main root causes of the heightened vulnerability of people to human trafficking.

8. Owing to the lack of systematic data collection by public institutions or civil society, the Special Rapporteur was unable to assess the exact number of victims of trafficking. Médecins Sans Frontières has reported that, in the past three years, it had provided basic medical care and psychological assistance to about 700 victims of sexual violence, more than 240 of whom were victims of trafficking. The vast majority of victims suffered from multiple forms of physical violence, psychological and sexual abuse.[3] Moreover, IOM reported that, while in 2011 it had assisted 10 victims of trafficking, in 2012 it had assisted more than 30, and the trend had continued in 2013. From January to May 2013, 28 victims of trafficking presented themselves to the IOM office in Morocco for assistance. During the discussion of the Special Rapporteur with interlocutors, it was noted that the vast majority of victims assisted by IOM were women from Benin City in Nigeria.

1. Trafficking for sexual exploitation

9. According to the information received during the visit from various interlocutors, trafficking in women and girls for sexual exploitation has been increasing in Morocco, and prostitution networks are reportedly exploiting trafficked women and girls. According to the Ministry of Justice, in 2011 there were 164 cases of sexual exploitation of women, of

[2] See Médecins Sans Frontières, "Violences, Vulnérabilité et Migration : Bloqués aux Portes de l'Europe. Un Rapport sur les Migrants Subsahariens en Situation Irrégulière au Maroc", March 2013. Available from www.msf.fr/sites/www.msf.fr/files/informemarruecos2013_fr_0.pdf.

[3] Ibid.

which 89 were prosecuted. The information provided by the Royal Gendarmerie indicated that, in 2012, 20 cases of child pornography and sexual exploitation of children had been reported.

10. The Special Rapporteur received information from civil society interlocutors about the cases of several Congolese and Ivorian women and girls who had become victims of prostitution networks. The town of Tangier, a major tourist destination, is not only a point of transit but also a destination for persons trafficked for sexual exploitation. According to the information received from civil society representatives during the visit, a network of Nigerian traffickers has been operating without interference in the country for almost 10 years.

11. According to the field survey conducted in 2007 by the Observatoire de la communauté marocaine résidant à l'étranger, it is predominantly Moroccan women who are employed abroad, in particular in the United Arab Emirates where the share of Moroccan female employment is around 70 per cent of the total Moroccan expatriates. The authors of the survey noted that, most of the time, the contracts issued did not correspond to the originally agreed upon job duties and that many Moroccan women found themselves trapped in situations of exploitation by prostitution networks.[4] Civil society organizations informed the Special Rapporteur that, since 2002, approximately 2,500 girls had been taken to the Gulf States for sexual exploitation and prostitution. In Rabat and Casablanca, unscrupulous intermediaries reportedly operate actively in search of new recruits for their clients in the Gulf States.

2. Trafficking for labour exploitation

12. It was reported that male victims of trafficking were subjected to forced or bonded labour, especially around the town of Oujda. According to civil society representatives, in 2012 there were several cases of Nigerian men trafficked for debt bondage in the Oujda area. Employers force victims to work for long hours and extremely low wages. Owing to their fear of losing their job and being deported, and the lack of access to assistance and protection, most of the victims prefer not to report their situation.

13. According to the authorities, the Labour Code contains important provisions that prohibit all forms of labour exploitation, especially of children. According to article 143 of the Code, children under 15 years of age are prohibited from working. Labour inspectors monitor the exploitation of children and may receive claims on cases of non-payment of salaries. Irregular migrants are especially vulnerable to labour exploitation. For instance, labour inspectors are often not able to intervene in cases of domestic workers who may have been trafficked for labour exploitation. The Ministry of Labour informed the Special Rapporteur about its plan to establish hotlines for domestic workers, and expressed its willingness to work more closely with the media on sensitization programmes.

14. Civil society interlocutors reported that many irregular migrant women from sub-Saharan Africa and South-east Asia, especially from the Philippines, receive extremely low wages, often equivalent to about 15 per cent of the minimum wage, and that their documents are confiscated by employers and traffickers.

15. The Ministry of Labour indicated that Moroccan nationals who emigrate through non-officially registered recruitment agencies are exposed to the risk of exploitation by trafficking networks. The Ministry has made targeted efforts by running specific

[4] Observatoire de la Communauté des marocains Résidant à l'Etranger, *Marocains de l'extérieur 2007* (Rabat, Fondation Hassan II pour les Marocains Résidant à l'Etranger, 325,2007). Available from www.fh2mre.ma/telechargement/publications/Marocains_de_l-exterieur_2007.pdf.

programmes to sensitize people about the risks associated with obtaining intermediary services of illegal recruitment and intermediation agencies and individuals that may lead to trafficking.

3. Domestic workers

16. According to the reports received from civil society organizations and victims of trafficking, foreign domestic workers, mainly from the Philippines, are brought to Morocco deceived that they are being taken elsewhere. The Special Rapporteur was informed by civil society interlocutors that some young women and girls from Côte d'Ivoire and Senegal were trafficked to Morocco and forced to do domestic work. According to the National Human Rights Council, there is a growing number of foreign domestic workers, a significant proportion of whom is exposed to the risk of being trafficked by unlicensed agents and unscrupulous brokers. Most trafficked domestic workers are not paid, and those who are paid receive a tiny fraction of the wages promised. Their passports are seized, and payment is demanded for their return. The Special Rapporteur was also informed about the existence of a criminal network specialized in the trafficking of domestic workers from the Philippines to Morocco, and that the majority of domestic workers from the Philippines were subjected to verbal and psychological abuse, exploitation and physical and sexual harassment. One victim of trafficking from the Philippines with whom the Special Rapporteur spoke stated that she worked as a domestic worker, was paid very low wages and lacked the means to pay for health services.

4. Child trafficking

17. According to various interlocutors, although children in Morocco remain at a high risk of being trafficked, no extensive study had yet been conducted on the extent of child trafficking. The Special Rapporteur met with one child, aged 14, from Cameroun, who had been brought to Morocco by unrelated people with the initial intention of transiting to Europe, and later intercepted by law enforcement officials. This case demonstrates the vulnerability of children to trafficking.

18. The Special Rapporteur recognizes the efforts made by the Government to reduce the vulnerability of children to trafficking by establishing children protection centres. The Ministry of Labour informed her that it had taken measures to reduce the vulnerability of children to trafficking by addressing the school drop-out rate and increasing opportunities for vocational training. Although labour inspectors report, in accordance with their working procedures, all identified cases of child labour to prosecutors' offices, it was recognized that there was a need to speed up this process.

19. Children are at risk of trafficking for labour exploitation. According to official statistics, in 2012, 92,000 children aged between 7 and 15 years were working.[5] The number of children working is on the decline. Comprehensive data on children working as domestic workers are, however, not available. Civil society representatives expressed their concern about the substantial number of children working, and underlined the importance of raising the minimum age of work to 15 years and imposing necessary sanctions in cases of breach of this requirement by employers.

20. According to the judicial authorities, Morocco has not recorded any case of child trafficking in recent years. Some 11 cases of child trafficking (mainly trafficking of infants) were reported between 1978 and 1985. In more recent years, a significant number of cases of child abduction has been reported, although not necessarily for the purpose of human

[5] Enquête national sur l'emploi, Haut commissariat au plan (Direction de la Statistique), 2012.

trafficking. Almost all of such cases were related to disputes between spouses over child custody. According to the Ministry of Justice, in 2011, 130 cases of child exploitation for begging and 11 cases of sexual exploitation of children were reported.

5. Other forms of trafficking in persons

21. The Special Rapporteur was informed that Morocco does not have any officially recorded cases of trafficking in persons for the purpose of removal and sale of organs. She was also informed about the existence of intermediaries who actively look for human organs for sale, and that often such cases are disguised as organ donation. Some interlocutors pointed out, however, that strict laws and procedures are in place for organ donation and transplantation, according to which a donor must obtain authorization from the President of a court or a nominated judge, in presence of two medical practitioners nominated by the national commission for medical practitioners.

C. Legislative, policy and institutional framework

1. Legislative framework

22. Morocco is a State party to the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and to a number of key international human rights instruments, including the Convention for the Suppression of the Traffic in Persons and of the Exploitation and the Prostitution of Others, the International Labour Organization (ILO) Forced Labour Convention, 1930 (No. 29), the Abolition of Forced Labour Convention, 1957 (No. 105) and the Worst Forms of Child Labour Convention, 1999 (No. 182), the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women.

23. The new Constitution of Morocco, adopted by referendum on 1 July 2011, has further strengthened the framework for the promotion of human rights and non-discrimination. The Constitution recognizes the supremacy of ratified international legal instruments over domestic legislation. During the visit, interlocutors pointed out that, while the Constitution contains important provisions on human rights, they needed to be put into practice through coherent policies and capacity-building measures. According to the authorities, a a large number of workshops had recently been organized to review all existing laws in the light of the new Constitution. In June 2013, a national forum was held on the reform of the justice system under the new Constitution, which was attended by representatives of political parties, legislative and judicial experts, lawyers, police and gendarmerie officials. The authorities stated that the ongoing legislative reform provided a new opportunity to upgrade the judicial system and to adopt a specific law on trafficking in persons.

24. The Special Rapporteur noted the lack of an adequate legal framework for addressing trafficking in persons. There is no specific definition of trafficking in persons in the existing legislation. Despite the existence of relevant provisions relating to trafficking, such as in the Penal Code, the Immigration Law, Law No. 02-03 on Stay of Foreigners, the Labour Law and the Law on the Removal of Organs, significant gaps remain. The authorities reported that there had been a discussion on whether the country should adopt a specific law on trafficking in persons or make amendments to the Penal Code to include different types of trafficking-related criminal acts and violations, such as trafficking for organ removal and sale, or for labour or sexual exploitation. At the outcome of the

discussion, it was decided that the existing Penal Code would be amended to incorporate specific provisions on trafficking in persons.

25. The Special Rapporteur was informed that the Government had taken steps to introduce specific amendments on trafficking in persons to the Penal Code and to approve the bills on domestic workers and on violence against women. She was also informed that the draft amendment on trafficking to the Penal Code would be submitted to Parliament in 2013, and that it was expected to be in effect by 2015. According to the Ministry of Justice, the highlights of the proposed amendment included a definition on trafficking based on article 3 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime; sanctions of between 15 and 30 years of imprisonment when the victims of trafficking are children, women and elderly; and the confiscation of assets used for trafficking in persons. Interlocutors from civil society organizations suggested that legislation on trafficking in persons should include a gender-based approach.

26. Title II of Act No. 02-03 on criminal provisions relating to irregular emigration and immigration (arts. 50–56) addresses partially the issue of combating human trafficking. In cases where irregular migration is organized or facilitated on a regular basis or by members of criminal groups or networks, the penalty of 15 to 20 years of imprisonment is imposed when those transported to or from Moroccan territory suffer permanent incapacitation, and life imprisonment in the event of death of those transported for illegal migration.

27. The employment of foreign workers is regulated by Chapter V of the Labour Code, article 516 of which requires employers wishing to employ foreign workers to obtain authorization from the relevant Government departments responsible for labour issues. The authorization must be stamped on the employment contract. Pursuant to article 521 of the Labour Code, any employer who does not obtain the necessary authorization or who employs a foreign national who does not possess such authorization, who employs a foreign national whose contract is not in line with the model provided in article 517 of the Labour Code or who violates articles 518 and 519 is subject to a fine of between DH 2,000 and DH 5,000 (approximately $540 to $1,360).

28. The authorities informed the Special Rapporteur that, in May 2013, the Government approved a bill on domestic workers, which was expected to be adopted by the end of 2013 by the Parliament. According to the Ministry of Labour, the bill contains important provisions on the minimum wage, leave and insurance for domestic workers. The authorities added that, pursuant to the provisions of article 2 of the social security code, a draft decree defining the application of social security benefits to domestic workers was being considered at the time of the Special Rapporteur's visit. According to the Ministry of Justice, courts review cases related to violations of labour law regardless of the origin, nationality and citizenship of affected persons.

29. The Special Rapporteur was informed that articles 20 and 21 of the Family Law and article 475 of the Penal Code had been amended to prohibit child marriage.

30. Law No. 02-03 on Migration incriminates people with irregular migrant status. The authorities, however, explained that, in practice, people with irregular migrant status are detained only when they breach the law and commit criminal activities. Morocco had developed a policy of voluntary return for irregular migrants, conducted within the framework of cooperation between the Ministry of the Interior and IOM under a memorandum of understanding signed in July 2007.

31. The authorities informed the Special Rapporteur that strict regulations were in place to control organ removal. The Ministry of Health had prohibited kidney transplant in private clinics to prevent trafficking for the purpose of the sale or removal of organs. In the case of both living and dead donors, organs should be given only to family members, while

couples have to have been married for at least one year. In the case of foreigners, the proof of family or marital relationships must be provided. Removal of organs may be carried out only in five authorized medical institutions. In the case of the removal of organs, donors must go to court and sign a declaration of consent. For those who are not in a condition to decide or to give consent, the consent of family members is sought. Law No. 1698 of 1999 on donor of organs was being reviewed at the time of the visit.

2. Policy framework

32. The Special Rapporteur found that Morocco lacks an integrated and coherent anti-trafficking policy framework. The National Council for Human Rights (CNDH) informed her that it was working on a draft national plan of action on democracy and human rights, which would include specific reference to trafficking in persons, and that the draft plan had been elaborated through a participatory process.

33. Civil society interlocutors emphasized the need for a national strategy on migration, human smuggling and trafficking, and for a national campaign on awareness-raising on trafficking in persons.

3. Institutional framework

34. The Inter-Ministerial Delegation for Human Rights, established in April 2011, is a government body in charge of developing and implementing policies on the protection and promotion of human rights. The Delegation also contributes to the development of a dialogue and cooperation between the authorities and national human rights organizations, and the strengthening of the Government's dialogue and partnership with relevant regional and international human rights mechanisms and organizations. The Inter-Ministerial Commission on Human Trafficking was established by the Inter-Ministerial Delegation for Human Rights. The Commission coordinates policy issues relating to trafficking in persons. It consists of representatives of relevant government bodies dealing with normative and operational issues, such as the monitoring of human trafficking and prosecution, the protection of victims and cooperation at the international and regional levels.

35. The Ministry of the Interior and relevant agencies under its responsibility focus on coordinating operational issues, such as dismantling trafficking networks, providing assistance to victims and cooperating with other countries on these issues. Between 2004 and 2011, the Directorate-General of National Security and the Royal Gendarmerie dismantled 2,702 human trafficking and smuggling networks.[6]

36. The authorities informed the Special Rapporteur that, in addition to its obligation to dismantle criminal networks on trafficking in persons, the Moroccan police pay attention to the protection of victims, the prevention of incrimination of victims of trafficking and the training of police and immigration officers on issues of human trafficking. The Royal Gendarmerie is tasked with the prevention of offences, and also acts as a criminal police force, disposing of the means to investigate and arrest those involved in trafficking networks. The Royal Gendarmerie informed the Special Rapporteur that, in the past five years, it had conducted mixed border patrols with the Spanish judicial police.

37. The Directorate of Migration and Border Surveillance of the Ministry of the Interior has been operating since 2005 to combat human trafficking networks. It also implements and facilitates the State's cooperation at the bilateral, multilateral and regional levels.

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[6] CMW/C/MAR/1, para. 438.

38. The Ministry in Charge of Moroccans Living Abroad works with diplomatic and consular missions abroad on the issue of protecting the rights and interests of Moroccans living abroad, in particular those in difficult circumstances. A substantial number of Moroccans live abroad (officially estimated in 2011 to have reached 3,556,213), most in Europe.[7] According to the Ministry, some 300,000 Moroccans live in countries of Arab region; Moroccan women living in the Gulf region need particular assistance and protection, as a considerable number of them have become victims of trafficking, labour and sexual exploitation. The Ministry has developed a strategy to assist Moroccans living abroad, which includes promoting economic, social, cultural and educational measures, promoting their interests in host countries and in Morocco, monitoring the migratory movements of Moroccans, and negotiating bilateral and multilateral agreements to assist the Moroccan diaspora abroad. The Ministry receives and processes complaints on the violation of the rights of Moroccans living abroad. Between 2008 and 2012, it processed 8,696 complaints, of which some 20 related to trafficking cases submitted by the victims' families, in particular cases concerning young women who had been subjected to sexual exploitation and other forms of exploitations as domestic workers. The Ministry informed the Special Rapporteur that it had not received any complaint directly from victims of trafficking. Although the protection of victims of trafficking in persons is part of the overall policy of the Ministry, it does not have a mechanism dedicated to the protection of such victims.

39. The Labour Inspectorate works with civil society organizations to monitor the use of child work and labour exploitation, and possible trafficking in persons for such purposes. Representatives of the Labour Inspectorate informed the Special Rapporteur that labour inspectors had undergone specific training, including on human trafficking.

40. The Government informed the Special Rapporteur that it organized training for judicial and law enforcement officials on trafficking. Training and capacity-building activities are conducted in collaboration with bilateral and multilateral agencies. Several interlocutors however pointed out that Morocco lacked an integrated approach to capacity-building.

41. The National Human Rights Council, established in March 2011 as an independent and pluralistic national institution to replace the Consultative Council on Human Rights created in 1990, is responsible for all matters relating to the protection of human rights and freedoms. It monitors the implementation of national and international human rights standards, prepares reports and makes recommendations to the Government and its relevant institutions. The Council submits reports to the United Nations treaty bodies, and makes comments on bills relating to human rights. It receives individual complaints on alleged human rights violations, and makes recommendations to competent authorities with a view to addressing and redressing the violations. It also takes up cases of human rights violations on its own initiative.

42. According to the estimates made by the Ministry of Tourism, some 9 million tourists visit Morocco annually, and the number is expected to rise to 20 million by 2020. The Moroccan Committee of Responsible Tourism (Comité marocain du tourisme responsable), presided over by the Ministry of Tourism, adopted the Moroccan Charter of Responsible Tourism, in accordance with the Global Code of Ethics for Tourism adopted by the World Tourism Organization and validated by the General Assembly in December 2001.[8] The Charter contains important provisions on the protection and promotion of human rights in the tourism industry, and states that any form of exploitation, including sexual exploitation,

[7] Ibid., para. 30.

[8] General Assembly resolution 56/212.

especially of children, undermines the fundamental objectives of tourism and would be sanctioned.

D. Identification of trafficked persons

43. The potential scale of trafficking in persons appears to be underestimated and should be investigated further by the Government, the judiciary and law enforcement agencies. This situation is mainly due to the lack of adequate data collection mechanisms for determining the prevalence rate, forms, trends and manifestation of human trafficking in Morocco. The victims of trafficking are often either not identified or misidentified as smuggled and/or irregular migrants owing to the absence of appropriate tools and protocols for victim identification. The Ministry of the Interior estimated the number of irregular migrants in 2013 at between 6,000 and 10,000, while non-governmental organizations put the number as high as 15,000. Although Tangier is considered a major transit hub for irregular migration and trafficking in persons, local authorities and human rights institutions informed the Special Rapporteur that no case of trafficking had been identified in recent years. Once irregular migrants are intercepted by law enforcement agents, the police interview them to assess their situation.

44. According to the Government, the flow of irregular migrants had substantially decreased following the dismantlement by the law enforcement authorities of a significant number of smuggling networks. The Directorate-General of National Security and the Royal Gendarmerie dismantled 130 human trafficking and smuggling networks in 2009, 92 in 2010 and 108 in 2011.[9] The Royal Gendarmerie informed the Special Rapporteur that, between 2011 and 2012, the cases of irregular migrants decreased significantly. According to statistical data on irregular migration of foreign nationals between 2004 and 2011, the number of migrants arrested by the Directorate-General of National Security and the Royal Gendarmerie was 17,252 in 2004, 21,894 in 2005, 9,469 in 2006, 7,830 in 2007, 8,735 in 2008, 7,531 in 2009, 10,223 in 2010 and 12,929 in 2011.[9] According to a study on trafficking in persons conducted in 2009 by IOM in cooperation with the Ministry of Justice, there was a likely correlation between smuggling and trafficking networks, given that they are often the same, or closely interconnected.[10] The routes used by irregular migrants, including asylum seekers, are also used by criminal networks to traffic victims.

45. The Government has also taken a number of initiatives to raise awareness on irregular migration. According to the Ministry of the Interior, cases of irregular migrants are reviewed on an individual basis, and relevant authorities examine the possibility of integrating irregular migrants detained into society prior to taking a decision on deportation.

46. Both the Government and civil society organizations acknowledged that there was a strong need for technical cooperation and assistance on capacity-building for the identification of victims of trafficking. The focus of current anti-trafficking efforts has been on dismantling trafficking networks rather than the identification of victims. The police authorities informed the Special Rapporteur that, once the law or legislative amendments on trafficking in persons were adopted, the authorities would be able to train police officials on the identification of victims and to intensify its actions on victim identification. It was

[9] CMW/C/MAR/1, para. 438.

[10] IOM and the Ministry of Justice of Morocco, Traite transnationale des personnes: Etat des lieux et analyse des réponses au Maroc, 2009. Available from www.iom.int/jahia/webdav/shared/shared/mainsite/activities/countries/docs/Traite_Transnationale_des_personnes_%20Etat_des_lieux_et_analyse_des_réponses_au_Maroc.pdf.

suggested that national and local authorities should deploy more resources on the identification of victims of trafficking. To ensure that trafficked persons are not re-victimized, the laws and procedures applied to cases of trafficking in persons should be different to those applied to cases of irregular migration.

E. Protection, recovery and reintegration of trafficked persons

47. The Special Rapporteur found that one major challenge was the lack of assistance and structures for victims of trafficking, and the absence of a legal framework for assisting trafficking victims. According to non-governmental organizations and international aid agencies, no shelters are available for trafficked persons in Morocco. Government-run shelters for women and child victims of violence lack financial and human resources, and no appropriate assistance is offered to victims of trafficking. There is currently no integration programme for irregular migrants, refugees and asylum seekers, who are not accorded a regular status and are therefore at a higher risk of being trafficked. Victims of trafficking are still regarded as irregular migrants.

48. In general, State and non-State women and child protection centres provide protection and support services to children and women victims of violence. There is also a toll-free telephone hotline for victims of violence run by non-governmental organizations, such as the National Watch of Children's Rights. Shelters and protection centres still remain in short supply. In 2006, the State established a national observatory of violence against women tasked with the coordination, monitoring, evaluating and strengthening of the implementation of national policies on combating all forms of violence against women.

49. The Ministry of Youth and Sport currently runs 20 child protection centres with the capacity of receiving 2,075 children; give of the centres are specifically for females, and can receive 580 persons. The child protection centres provide social, educational and health services to juveniles aged between 12 and 18 years, those subject to judicial measures according to the Code of Criminal Procedure, juveniles who are in conflict with law, and children in a difficult situation, and assist their reintegration into the society. Such centres can also shelter victims of trafficking and victims of violence and abuse, including sexual exploitation. The Special Rapporteur visited the Abdesian Bennani Centre for the protection of young girls in a difficult situation in Casablanca, which provides shelter for 78 children up to the age of 18 years, including infants. The Centre receives the children referred by courts. The Special Rapporteur noted that the work of the centre is important in terms of reducing the vulnerability of children to trafficking. She highlights, however, that there should be more centres established to meet the different needs of children, including victims of trafficking, with staff specialized in providing medical, psychological and sociological support for child victims. The Ministry of Youth and Sport informed the Special Rapporteur that the Ministry was making continuous efforts to improve the quality of care, education, schooling and training services provided by child protection centres.

50. The Special Rapporteur also visited a child protection shelter for homeless children run by the Bayti Association, in Casablanca. The Association runs two centres and provides educational services for 70 children aged between 5 and 18 years. While the Government provides a certain amount of funding, most of the funds originate from non-governmental sources. The centres do not have enough staff to provide homeless children with medical and psychological aid. In the past five years, the centre has taken in some 149 girls who had mostly been exploited as domestic workers. Some children hosted in the centre were victims of sexual exploitation.

51. The Special Rapporteur found that protection and assistance, as well as access to justice for victims of trafficking and irregular migrants, were very limited. Domestic

workers were, for example, outside the purview of the labour law, leaving women and girls, both nationals and foreigners, vulnerable to exploitation and abuse. The absence of adequate protection services dissuades trafficking victims from seeking help and exposes them to criminals who can act with impunity in the knowledge that their victims have no legal recourse or effective remedies. The Special Rapporteur received information about the case of a girl victim who, while trying to escape traffickers, was caught and physically assaulted. Reportedly, even after she went abroad, the staff members of the transit centres that helped her abroad were threatened by the traffickers.

52. In addition, there is no enabling legal framework to assist victims of trafficking, which makes civil society organizations hesitant to work with victims. No shelter is available for male victims of trafficking. Organizations willing to provide victims of trafficking with shelter, medical or legal assistance depend on informal contacts and networks to be able to do so. Furthermore, very limited alternatives to return to the country of origin are available, exposing victims to the risk of being re-trafficked.

53. Law 02-03 relating to the entry and stay of foreigners in Morocco provides for some measures of protection against deportation and/or expulsion for certain categories of persons, such as pregnant women and minors. Refugees and asylum seekers are protected under the law and may not be expelled or removed to a country if the applicant "shows that his or her life or freedom is threatened or that he or she is exposed to cruel, inhuman or degrading treatment". This provision may directly apply to the situation experienced by victims of trafficking; to benefit from this protection, however, victims must be officially identified as such. The Special Rapporteur was informed about the cases of trafficked persons who had been arrested, detained and deported for having overstayed in the country or prosecuted for prostitution, a criminal offence in Morocco. She is concerned at the absence of protection, recovery and reintegration services for victims of trafficking. It is especially difficult for male victims of trafficking because, unlike women, girls and boys, they receive no help from women and child protection centres.

54. According to the Ministry of the Interior, the measures taken by the relevant authorities focus on child labour, forced labour and sexual exploitation rather than trafficking in persons.

55. Civil society organizations in the northern regions of the country reported that they carried out activities on sensitization and provided irregular migrants with advisory services. They were not able to identify victims of trafficking because alleged victims were not willing to speak out owing mainly to their fear of reprisals or stigma.

F. Investigation, prosecution and punishment

56. The fact that the offence of trafficking in persons is not specified legally does not allow the formal identification of victims of trafficking. Without a specific legal framework, judicial and law enforcement agencies do not have a clear legal basis to be able to take the measures necessary for the investigation, prosecution and punishment of these crimes. The judicial authorities informed the Special Rapporteur that the enforcement of relevant provisions of the Penal Code relating to human trafficking posed significant challenges: for instance, it is difficult to arrest perpetrators of human trafficking once they have left the country, also owing to the lack of sufficient evidence because, in most cases, victims are reluctant to cooperate with law enforcement authorities.

57. Civil society interlocutors emphasized that the Migration Law of 2003 currently applied to trafficking victims is harsh and inappropriate for their situation. Potential witnesses must be encouraged to come forward. Given that they are often deterred by fear of detention and deportation, it was noted that the cessation of victim detention and

temporary regularization of status are two possible initiatives that may encourage cooperation in investigations and prosecutions, thereby reducing the current high degree of impunity enjoyed by exploiters.

58. According to the authorities, victims of trafficking and their witnesses are allowed to keep their privacy: for example, they may refuse to attend the court hearings on the grounds of privacy or protection concerns. According to information provided by civil society organizations, however, given their status as irregular migrants, victims are often told that they may not file complaints. Some interlocutors stated that, in addition, judges and prosecutors are often unaware of the possibilities available for dealing with trafficking cases under the existing penal code. Additional training is therefore necessary. Given the absence of any protection measures, individuals are very hesitant to risk filing a complaint, and rather prefer to return to their country of origin.

59. Concerns were expressed at the conditions in detention centres, including the lack of legal assistance available to migrant detainees during trials. It was reported that some irregular migrants, most from sub-Saharan Africa, had been subjected to physical violence by security and law enforcement officials when detained.[11]

G. Redress for victims

60. The Special Rapporteur observed that there were not many institutions offering effective remedies for trafficked persons, and that the Government had not established any protection centres or shelters for trafficked persons. Morocco has not taken adequate measures for building their capacity to address trafficking in persons and to provide victims of trafficking with assistance. The Special Rapporteur was informed that there was a significant shortage of financial and human resources. The police needs further training and capacity-building on trafficking. In this regard, the Office of the United Nations High Commissioner for Refugees (UNHCR) has organized training on trafficking persons for police officers.

61. The Special Rapporteur was informed that victims of trafficking are legally entitled to receive protection and health-care services. Civil society organizations may file a complaint on behalf of victims of human rights violations, including trafficking in persons. Given the absence of government-run protection or assistance centres for victims of trafficking, a few civil society organizations provide assistance to trafficked persons.

H. Repatriation and reintegration

62. The authorities acknowledged the importance of domesticating all the key components of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime through the proposed amendments to the Penal Code or the proposed national legislation on trafficking, and expressed their commitment to enforce such legislation. It was noted, however, that more financial resources were needed for the provision of shelters and for compensation to victims of trafficking. Relevant human rights institutions suggested that all remaining international legal instruments on the rights of

[11] Médecins Sans Frontières, "Violences, Vulnérabilité et Migration: Bloqués aux Portes de l'Europe. Un Rapport sur les Migrants Subsahariens en Situation Irrégulière au Maroc", 2013. Available from www.msf-azg.be/fr/publication/rapport-violences-vulnérabilité-et-migration-bloqués-aux-portes-de-l'europe.

migrants should be ratified and applied domestically, and that specific measures should be taken to assist the integration of irregular migrants.

63. Morocco has extradition agreements with a number of countries, in particular African countries. The General Prosecutor of the Cassation Court decides on extradition cases. Extraditions may also be carried out without extradition agreements.

64. IOM assists victims of trafficking with voluntary return if the individual wishes to return home and following a risk assessment, which is carried out prior to the return of the individual. It was reported that establishing contacts with victims' families in their countries of origin is often challenging, which puts the victims at risk of re-trafficking. For such cases, voluntary return is not possible, and alternative solutions are difficult to find, given the lack of prospects for integration in Morocco.

I. Prevention

65. According to the authorities, the efforts of relevant departments and agencies relating to trafficking in persons have been focused on preventive measures. The lack of opportunities for education and employment, and poverty, were cited as the main root causes of the increased vulnerability of youth to trafficking. The Ministry of Labour informed the Special Rapporteur that vulnerable groups in rural areas were targeted for initiatives to increase their employment and livelihood opportunities, for instance by providing subsidies for income-generating activities and vocational training. The local authorities in Tangier informed the Special Rapporteur that the prevention measures that they had taken focused on sensitization and awareness-raising activities, providing youth and women with more opportunities for basic and vocational education, and social protection centres, particularly for abandoned children, children from rural areas and from poor families aged between 12 and 18 years, in order to reduce their vulnerability to trafficking.

66. According to interlocutors, a national strategy on awareness-raising about the issues of trafficking in persons in partnership with grass-roots civil society actors should be adopted. The said campaigns and programmes should be conducted in schools, youth centres and relevant vocational training institutions, through audio and visual media, as well as in the press.

J. Cooperation and partnership

1. Cooperation with civil society

67. Civil society organizations play an important role in efforts to protect and promote human rights in general, and particularly those of migrants. According to the Ministry for Relations with Parliament and Civil Society, there are an estimated 70,000 associations working in all areas in Morocco, and hundreds of them work in human rights, women's rights, children's rights, the rights of persons with disabilities and the rights of persons living with HIV, among others.[12]

68. The contribution of and collaboration with civil society organizations are crucial in the fight against human trafficking. Civil society actors felt that they were not involved or consulted adequately in the development of legislative and policy changes on trafficking. Some pointed out that immediate steps had to be taken to establish the necessary legal

[12] CMW/C/MAR/1, para. 47.

framework and support for potential service providers and civil society organizations working on providing assistance, including counselling services to victims.

69. Civil society interlocutors also pointed out that the Government should involve civil society actors in the elaboration and evaluation of, and follow-up to, the necessary legal changes and policies on human trafficking, in accordance with article 13 of the Constitution, which stipulates that the Government should work to create consultative bodies in order to involve different social actors in the development, implementation and evaluation of public policies.

2. International, regional and bilateral cooperation

70. Morocco has entered into bilateral labour agreements with several sending countries. The State also cooperates with the Council of Europe and the European Union, mostly on combating irregular migration. Cooperation with the Council of Europe includes the sensitization of officials, experts and institutions, capacity-building and training, and the setting-up of government work programmes on irregular migration, including trafficking in persons. In June 2013, Morocco concluded a mobility partnership with the European Union, thus becoming the first country from the Mediterranean region to do so. The agreement provides for a number of initiatives aimed at ensuring the effective management of movement of persons, including the fight against smuggling of migrants and trafficking in human beings, and at providing victims with assistance, as well as establishing a national asylum and international protection system in Morocco.

71. At the regional level, Morocco has participated in the discussions on human trafficking within the Council of Arab Ministers of the Interior and of Justice. In 2006, Morocco hosted the First European Union-African Ministerial Conference on Migration and Development. The IOM Office in Morocco, in collaboration with other partner agencies, runs a whole range of capacity-building and training programmes, aimed at providing training for judges and prosecutors, police and gendarmerie, but also for civil society actors who provide services to victims of trafficking.

K. Dakhla, Western Sahara

72. During her visit to the city of Dakhla, Western Sahara, the Special Rapporteur met with different interlocutors and visited child and women protection centres. She was informed that Dakhla had been mainly used as a transit route for irregular migrants mainly from sub-Saharan African countries towards the northern region of the country and subsequently to Europe. According to the authorities, in 2013, 4,851 migrants transited through Dakhla, including some 800 irregular migrants. It was reported that irregular migrants sometimes risk their lives by coming by boat.

73. The authorities informed the Special Rapporteur that they had not yet received any complaint relating to trafficking cases, given that victims of trafficking are reluctant to come forward owing to their fear of reprisals. Irregular migrants detained by law enforcement officials had not been identified formally as victims of trafficking owing to lack of relevant laws and specific procedures on the identification of victims of trafficking. There were, however, cases of child labour, labour and sexual exploitation of migrants, especially women migrants. Civil society interlocutors reported on cases of prostitution and the sexual exploitation of migrant women and young girls, especially in fishing villages and on fishing boats. The Special Rapporteur was informed that irregular migrants have no social protection, accommodation and receive extremely low wages. She was also informed of the existence of organized prostitution and of cases of labour exploitation of disabled

women and children, who were used for begging in streets. The interlocutors from NGOs stated they needed more support in capacity-building.

74. Concerns therefore persist at the situation of irregular migrants and domestic workers, and with regard to child labour and sexual exploitation. The authorities acknowledged the need to enhance capacity-building to identify cases of trafficking in persons, to take further measures to reduce the vulnerability of potential victims of trafficking, and to ensure adequate protection for migrants and their families.

75. Dedicated centres provide medical and other support to women and child victims of violence. Dakhla hospital operates an inter-disciplinary centre (centre d'accueil multidisciplinaire), a medical, psychological and forensic care unit for women and child victims of violence that raises awareness about sexually transmitted diseases and offers free medical and counselling services. Since its establishment, the unit has received some 285 victims of violence. The services of the unit have now been extended to migrants. Many victims are referred by non-governmental organizations. The unit had not, however, received any identified victim of trafficking. The Special Rapporteur visited also a care unit for victims of violence established by the Court of First Instance, which takes in women and child victims of all forms of violence. The social worker employed by the unit refers victims to other external services, such as hospitals and general prosecutors, while the unit's lawyer helps victims with their cases. She also visited the social protection establishment Dar Taliba et Dar Talib, which shelters 48 orphans and abandoned children aged between 6 and 15 years.

III. Conclusions and recommendations

A. Conclusions

76. **Morocco has expressed its commitment and resolve to combat trafficking. The Government is in the process of adopting important legislative changes and policy measures to combat trafficking in persons in a comprehensive manner. The Special Rapporteur nonetheless remains concerned at the absence of specific legislation on trafficking, targeted policies and institutions to deal with trafficking, appropriate procedures for the identification of victims of trafficking and mechanisms for data collection. Such a situation makes it impossible to conduct proper investigation and prosecution of trafficking cases.**

77. **While Morocco has engaged actively in preventive measures, trafficked persons are not provided with adequate protection, assistance or support in their recovery process. Their right to compensation is not specifically recognized, and they are not given adequate information thereon nor the necessary support to exercise that right, such as legal aid.**

78. **The Special Rapporteur is also concerned that the Government has not engaged enough with civil society organizations, particularly with those who possess specialized expertise and could be important partners in the fight against trafficking. The lack of specific legislation on trafficking hinders the involvement and efforts of civil society organizations in assisting victims of trafficking.**

B. Recommendations

79. **On the basis of her findings, the Special Rapporteur makes the recommendations below.**

1. **Legal, policy and institutional framework**

80. **With regard to the national legal framework, Morocco needs to ensure full domestic application of the Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, which requires the State to prevent and combat trafficking in persons. In this connection, the Special Rapporteur encourages the Government to accelerate the process of adopting the necessary amendments to the Penal Code, and subsequently enacting and implementing specific anti-trafficking legislation within a specified timeline. Furthermore, the scope of the existing legislation on labour should be extended to provide adequate protection to domestic workers.**

81. **With regard to policy responses to trafficking in persons, the Government should develop, in consultation with all stakeholders, including civil society organizations, a national plan of action that clearly identifies objectives, delineates responsibilities and sets out clear indicators to measure progress and the impact of policy responses.**

82. **To ensure effective implementation of anti-trafficking efforts, a national agency to coordinate anti-trafficking activities of governmental institutions should be established. The Government should also consider appointing a national rapporteur tasked with monitoring the implementation and the human rights impact of anti-trafficking legislation and policy responses.**

2. **Identification and protection of, and assistance to, victims of trafficking**

83. **A proper identification system should be put in place and be well resourced. This should include specific tools and protocols for identifying victims of trafficking and for training relevant law enforcement agencies, especially police, immigration and labour inspectors. Such training should enhance their capacity to identify trafficked persons quickly and accurately, and to make referrals to appropriate services. Furthermore, a clear distinction should be made between irregular migrants and victims of trafficking; different laws and procedures should apply to each category.**

84. **Given the absence of reliable data on trafficking, there is an urgent need to design a mechanism for the collection of data on cases of trafficking, as well as on the forms, trends and manifestations of trafficking. Such data are vital to the elaboration of informed policy responses to address trafficking in persons.**

85. **With regard to support services for victims of trafficking, the Government should make much greater efforts to protect and assist all victims of trafficking, including male victims, with full respect for their human rights and, incorporate a human rights-based approach to the investigation of trafficking cases.**

86. **Funding and resources to be used for assisting victims of trafficking should be increased, and programmes and institutions sponsored or supported by the State should be created and expanded to provide short and long-term victim care.**

87. **Any amendment or legislation on trafficking in persons to be adopted should have a human rights-based approach and include provisions for compensation and effective remedies for trafficked persons.**

88. **Existing labour laws should be extended to ensure adequate protection for the rights of domestic workers. Labour inspectors should be given the power to monitor the working conditions of domestic workers, who are often the most vulnerable to trafficking.**

3. Awareness-raising, training and capacity-building

89. Urgent action should be taken to sensitize and build capacity to adopt victim-centred responses to cases of trafficking in persons. The Government should step up its efforts to raise awareness also among the general public about all forms of trafficking in persons, to promote understanding of what constitutes trafficking.

90. Given that lawyers and practitioners lack adequate knowledge and expertise to apply international human rights laws and standards, there is a need to organize training on the application of international legal instruments.

4. Prevention, prosecution and punishment

91. The Government should increase its efforts to prosecute traffickers while guaranteeing fair trial rights consistent with a human rights-based approach to criminal justice, and to establish the necessary legal framework and procedures in order to ensure that victims and witnesses are protected. With regard to Moroccans living abroad, the Government should identify and implement effective judicial measures to protect Moroccan women who have become victims of prostitution networks abroad.

92. Penal reform should be undertaken, and victim and witness protection systems should be established. The said reform should be accompanied by amendments to the Penal Code and a wider legal framework that exempts trafficking victims from prostitution, illegal immigration and other related crimes committed as a direct result of the trafficking process.

93. Punishment and penalties for forced labour should be made more severe to dissuade traffickers who recruit for this purpose.

94. In addition to legal and policy actions to combat trafficking in persons, concurrent measures should be taken to address the root causes of the problem, including social exclusion, poverty, inequality and discrimination.

5. Cooperation and partnerships

95. The Government of Morocco should continue to maintain close cooperation with the relevant United Nations agencies and international organizations, including UNHCR and IOM, for the safe return of trafficked victims in their country, with due regard for the need, if applicable, of international protection of the victims. Further measures should be taken to ensure that victims of trafficking with international protection needs are properly identified and referred to the asylum system, when appropriate.

96. Morocco should continue to strengthen its partnership with source countries in all regions, including sub-Saharan Africa and South-East Asia, and extend cooperation for exchange of information and mutual legal assistance, and consider ratifying ILO Convention No. 189 on decent work for domestic workers.

97. Cooperation with international and bilateral agencies is important, also to facilitate the provision of shelters and compensation to victims of trafficking. Also, the feasibility of using the receipts of money laundering or assets seized from trafficking perpetrators should be explored to raise more financial resources for victim assistance.

98. The contribution of and collaboration with civil society organizations are crucial in the fight against human trafficking. In this regard, immediate steps should be taken to establish the necessary legal framework and support for civil society

organizations working on providing assistance, including counselling services to victims. Civil society organizations and victim support agencies should be enabled to work in all regions of the country.

99. **With regard to Dakhla, Western Sahara, the Special Rapporteur recommends that the authorities:**

(a) Take concrete measures to improve the situation of irregular migrants and domestic workers, and address the issues of child labour and the sexual exploitation of women and children;

(b) Enhance their capacity-building to identify cases of trafficking in persons, take further measures to reduce vulnerability of potential victims of trafficking and ensure adequate protection of migrants and their families.

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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Report of the Special Rapporteur on trafficking in persons, especially women and children, Joy Ngozi Ezeilo

Addendum

Mission to Italy*

Summary

The Special Rapporteur on trafficking in persons, especially women and children, visited Italy from 12 to 20 September 2013, at the invitation of the Government. In the present report, the Special Rapporteur highlights the country's commitment to combating trafficking in persons, as evidenced by its legal framework on trafficking and its strong partnership with civil society organizations. She nonetheless expresses concern about, inter alia, the focus on trafficking for the purpose of sexual exploitation to the neglect of other forms of trafficking, the lack of a national plan of action to combat trafficking in persons, the absence of consistent financial resources to implement assistance programmes for victims of trafficking and the absence of a State-funded compensation scheme for victims of trafficking in persons. On that basis, the Special Rapporteur makes a number of recommendations to the Government, including with regard to developing a harmonized comprehensive national plan of action to combat trafficking, and increasing capacity-building activities for government officials. The Special Rapporteur also encourages the Government to address key gaps in the support programme, especially in terms of funding, and to strengthen its regional and international engagement in cooperating with countries of origin to address the root causes of trafficking and create more opportunities for safe migration options.

* The summary of the present report is circulated in all official languages. The report itself, contained in the annex to the summary, is circulated in the language of submission only.

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Annex

[English only]

Report of the Special Rapporteur on trafficking in persons, especially women and children, on her mission to Italy

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I. Introduction

1. From 12 to 20 September 2013, the Special Rapporteur on trafficking in persons, especially women and children, Joy Ngozi Ezeilo, conducted an official visit to Italy at the invitation of the Government.

2. The Special Rapporteur visited Rome, Venice, Turin, Palermo, Naples, Caserta and Castel Volturno. In Rome, she met with officials from the Ministries of Labour and Social Policy, also in charge of Equal Opportunities, Justice, Health, Foreign Affairs, the Interior and Integration, the Public Prosecutor's Office and the National Anti-Mafia Agency, and the President of the Chamber of Deputies and representatives of the Human Rights Committee of the Foreign Affairs Commission of the Chamber of Deputies. She also met local officials from the municipalities of Venice and Turin. She visited the Valette prison in Turin and two centres for the identification and expulsion of irregular migrants in Rome and Turin, where she met with representatives of the penitentiary authorities and with detainees. She also met with the Pontifical Council for Justice and Peace of the Holy See.

3. In all the areas visited, the Special Rapporteur consulted civil society organizations (CSOs) and victims of trafficking from Africa, Europe, Asia and Latin America who were benefiting from assistance or awaiting deportation.

4. The Special Rapporteur expresses her sincere appreciation to the Government, and in particular to the Department for Equal Opportunities (DEO) under the Italian Presidency of the Council of Ministers for the support it provided in planning and coordinating the visit. She further thanks CSOs, the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Interregional Crime and Justice Research Institute and the International Organization for Migration (IOM) for their support and assistance.

II. Main findings

A. Forms and manifestations of trafficking in persons in Italy

5. The country's geographical location and extended coastline make it a destination and transit country for victims of trafficking. While the exact extent of trafficking in persons in Italy is not known, available figures indicate that it is greater than officially documented.

6. According to the DEO,[1] 2,650 victims of trafficking were assisted in Italy in 2012, within the framework of the Special Fund that it manages, for the implementation of assistance programmes for victims. Between 2000 and 2012, 25,657 victims were assisted as part of projects under articles 13 and 18 of Law No. 228/2003 on measures against trafficking in persons (hereinafter, article 13 and 18 projects).[2] Available information also indicates that the victims identified are mainly women and girls from Bulgaria, Hungary, Nigeria, Romania and Ukraine and, in smaller numbers, North Africa who are trafficked for sexual exploitation. Men are trafficked for forced and exploitative labour, mainly in the

[1] DEO, "Massimo impegno contro il fenomeno della tratta", 19 July 2013. Available from www.pariopportunita.gov.it/index.php/primo-piano/2381-guerra-qmassimo-impegno-contro-il-fenomeno-della-trattaq3.

[2] DEO, *Elaborazioni ed analisi a cura della Segreteria Tecnica*. Available from www.pariopportunita.gov.it/images/stories/documenti_vari/UserFiles/Il_Dipartimento/tratta/Dati3_tratta.pdf.

agriculture and construction sectors. Trafficked men generally come from Asia, North Africa and, to a lesser extent, sub-Saharan Africa.

7. A growing number of persons are trafficked to Italy from Latin America and Asia. Depending on the amount paid for transportation, victims arrive by sea, land or air, sometimes transiting through other European countries. The Arab uprisings in Egypt, Libya, the Syrian Arab Republic and Tunisia have further exacerbated the inflow of undocumented migrants, migrant smuggling and trafficking in persons, predominantly for labour and sexual exploitation. Human trafficking has been detected throughout the country, including in Venice, Vicenza, Triveneto, Turin, Palermo, Naples, Caserta and Castel Volturno.

8. The victims of trafficking appear to be controlled by direct force and other means, such as debt bondage, psychological coercion and threats made against their family members. Victims are primarily lured in through deception and with promises of better employment opportunities, which ultimately lead to exploitation. Reports also indicate that some undocumented migrants were recruited in Italy and subsequently trafficked to other European countries.

1. Trafficking for sexual exploitation

9. In Italy, anti-trafficking efforts mainly focus on trafficking for sexual exploitation. In the majority of those cases, the victims are women and girls from Nigeria and Eastern Europe, mainly Bulgaria, Hungary, Romania and Ukraine who are forced to engage in street prostitution. Victims from the Edo State in Nigeria, particularly from Benin City, constitute a large proportion of the persons trafficked for sexual exploitation. Victims informed the Special Rapporteur that they had paid their traffickers sums ranging from 30,000–60,000 euros to reach Europe, for which their families had provided collateral guarantees in the hope that the victims would not only reimburse the debt but also provide financial assistance to the family at a later stage. Often victims are not aware that they will be forced into sex work as part of a Nigerian prostitution network controlled by women known as "madams". Victims work in conditions of physical and sexual violence, intimidation, unsafe sexual practices and long hours, often in dangerous and precarious environments for very low or, at times, no wages. Victims are typically controlled by intimidation and threats, and sometimes victims have even been murdered, as the Special Rapporteur was informed in Palermo. Victims are also psychologically and spiritually coerced through voodoo oaths which make it difficult for them to denounce or give away the madams, even when they are approached by social workers or the police.

10. Less visible but equally worrying is the emergence of the trafficking of Chinese women for the purpose of forced indoor prostitution in apartments and houses.

11. While the Special Rapporteur notes the understandable focus by the Government and CSOs on combating trafficking for the purposes of sexual exploitation, she cautions on the dangers of conflating trafficking in persons exclusively with sex trafficking and neglecting the other forms of trafficking prevalent in Italy.

2. Labour exploitation

12. DEO estimates that 17.27 per cent of the 5,276 foreign trafficking victims assisted by the Government of Italy and CSOs in 2011 and 2012 were trafficked for the purposes of

labour exploitation.[3] The victims were mainly from Albania, Bangladesh, China, India, Morocco, Pakistan, Poland, the Republic of Moldova and Romania.

13. Adult male victims are often trafficked into labour exploitation in the agricultural and construction sectors in southern Italy, where they are subjected to unsafe working conditions, which often lead to casualties related to machine operation. Indian and Pakistani men are exploited in livestock production, especially on buffalo farms, working 10 hours a day for between 2.50 and 3 euros per hour — 40 per cent below the national standard for farm workers. The Special Rapporteur was informed of cases where, following government legislation allowing for the regularization of undocumented migrants in employment, employers had coerced undocumented workers into covering the administrative fees for their regularization, in addition to making them work in inhuman and harsh labour conditions for very low wages.

14. In the north, male and female adult victims are often forced into work in the service sector, including domestic work. The textile industry is also connected with the trafficking of women and men for exploitative labour. In her exchange with one victim, the Special Rapporteur learned of the existence of clandestine Chinese-run factories bringing Chinese labourers into the country and subjecting them to exploitative hours, low wages and substandard living conditions.

3. Organized crime

15. DEO reported that 189 assisted victims had been trafficked for participation in organized crime between 2011 and 2012. The victims are mainly from Romania and North Africa, especially Morocco, and are forced into selling drugs. The limited information available on this form of trafficking indicates that traffickers and victims are usually from the same country. The more traditional Italian crime organizations do not generally seem to engage directly in trafficking in persons but collaborate with traffickers indirectly. It is difficult to determine the scope and characteristics of trafficking for organized crime in Italy.

4. Child trafficking

16. The Special Rapporteur notes that, as for all other trafficking, there is a lack of coherent data in the country on child trafficking. It is officially estimated that 15 per cent of trafficking victims are minors.[4] The country has been identified as a destination and transit country for child victims of sexual exploitation and labour exploitation. These victims are trafficked from African States, such as Morocco and Nigeria, and Eastern European countries, such as Albania, Bulgaria, the Republic of Moldova, Romania and Ukraine. There is also a market for transgender children, in particular from Brazil, as well as for Roma and Sinti boys.

17. The Special Rapporteur received information on the increasing trend of trafficking for the purpose of forced begging. Roma children are often linked to begging and petty-theft rackets, whilst Romanian-Italian networks have been reported to traffic disabled persons for forced begging. Unaccompanied children who arrive in Italy are placed in care homes; however, reports indicate that many of them disappear from these places, often into the hands of criminal networks.

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[3] Ibid.

[4] Eurostat Methodologies and Working Papers, Trafficking in human beings (2013). Available from www.reteparioppportunita.it/Rete_Pari_Opportunita/UserFiles/news/20130415_thb_eu_report_en.pdf.

5. Domestic workers

18. Deficiencies in the public welfare system, which is hampered by insufficient funding, and an ageing population mean that, for the most part, there is a reliance on foreign women to work as care/domestic workers in private homes and they undertake a range of tasks, from cleaning to taking care of children, people with disabilities and the elderly (see A/HRC/20/16/Add.2, para. 28). While not all migrant women are victims of trafficking in persons, statistics from DEO Ministry of Labour and Social Policy indicate that, between 2011 and 2012, 101 victims of trafficking for domestic exploitation were identified and assisted; however, they represented less than 2 per cent of the overall number of assisted victims. The Special Rapporteur noted the lack of information on this group of persons, who are often at high risk of becoming victims of trafficking.

6. Emerging forms of human trafficking

19. Except for information on assistance provided by DEO on six victims trafficked for the purposes of organ removal in 2011 and 2012, the extent of trafficking for those purposes and its modus operandi remain largely unknown.

20. The Special Rapporteur was pleased to learn about the regulated process for organ transplantation of the National Transplant Centre of the Ministry of Health, which makes it difficult for illegally obtained organs to be transplanted in national medical facilities. While the national transplant system guarantees that the transplanted organ can be traced electronically, it is worth noting that transplantations of illegally obtained organs performed in non-recognized medical facilities in the context of transplant tourism, or those performed outside the country, are not documented.

B. Legal and policy framework for combating trafficking in persons

1. International and regional frameworks

21. Since 2006, Italy has been a party to the United Nations Convention against Transnational Organized Crime and to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing it (the Palermo Protocol). Moreover, Italy has also ratified eight of the nine core human rights instruments, a number of which are of particular relevance to combating trafficking, including the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child. Italy has also acceded to the Convention relating to the Status of Refugees (1951) and the Protocol thereto (1967), and has ratified International Labour Organization Convention No. 182 (1999) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others.

22. As a European Union member State, Italy has incorporated all the articles of the European Convention for the Promotion and Protection of Human Rights and Fundamental Freedoms in its national legal framework. The main provisions of that Convention that concern the issue of trafficking are article 3 outlawing inhuman and degrading treatment, article 4 prohibiting slavery and forced servitude and article 5 guaranteeing the right to liberty and security of person. Furthermore, Italy has enacted in its national legal framework the Council of Europe Convention on Action against Trafficking in Human Beings. Italy is also bound by a number of European Union directives pertaining to asylum seekers and their host countries, including those forming the common European asylum system, and in particular: Council directive 2003/9/EC laying down minimum standards for the reception of asylum seekers; Council directive 2004/83/EC on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as

persons who otherwise need international protection and the content of the protection guaranteed; Council directive 2005/85/EC on minimum standards on procedures in member States for granting and withdrawing refugee status; European Parliament and Council directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims; and Council directive 2008/115/EC on common standards and procedures for returning illegally staying third-country nationals.

23. At the time of the visit of the Special Rapporteur, Italy was still in the process of incorporating directive 2011/36/EU in its national legal framework. The directive provides for measures to facilitate access to justice and compensation for victims of trafficking and the introduction of a national monitoring system, such as an independent national rapporteur or equivalent mechanism, to assess and report on trends in trafficking in human beings and measure results of anti-trafficking actions, including through the collection of statistics in close cooperation with relevant civil society organizations active in this field. After the mission, the Special Rapporteur was informed that the directive had been enacted in national legislation in early 2014 through legislative decree No. 24/2014, whereby DEO was officially established as the Italian equivalent mechanism.

2. National legal framework

24. Italy has taken significant steps to establish a comprehensive legal framework for combating human trafficking in the country. The 1998 Italian Immigration Act (legislative decree No. 286/1998) was the first legislative tool in Europe to combat trafficking and guarantee the protection of victims. In article 12, paragraph 3 ter, of the Act, recruitment for prostitution and sexual or labour exploitation and the exploitation of minors in illicit activities, in order to obtain direct or indirect profit, are criminalized.

25. Article 18 is focused on a victim-centred approach and programmes of long-term assistance and social inclusion for victims of trafficking are provided for therein. Under the same article, a six-month temporary "social protection" residence permit can be granted to victims identified and can be renewed for one year and converted into a long-term work or student residence permit. In accordance with article 18, the residence permit may be granted in one of two ways. The first is the judicial avenue, which is contingent on the victims' cooperation with the public prosecutor's investigation. In this case, the issuance of a stay permit is at the discretion of the public prosecutor. The second avenue is a procedure involving local authorities and civil society organizations, which does not require the victims' cooperation with the police; but an accredited CSO or the social services of a city council must submit a statement containing provable key elements on behalf of the victims.

26. Until December 2006, assistance programmes were tied to social protection permits and were thus only addressed to victims of trafficking from outside the European Union. However, the increased proportion of Romanian victims identified led to assistance programmes being provided to all victims of trafficking, regardless of their nationality.

27. Following the adoption of the Palermo Protocol, the Government introduced Law No. 228/2003 on measures against trafficking in persons. The law specifically criminalizes both internal and cross-border trafficking offences and covers all forms of trafficking, including slavery and servitude. In it, a more severe punishment is provided for the abuse of a relationship of power when coupled with the requisite elements of the crime, i.e., violence, abuse of authority and profiting from circumstances in which the other person is in a situation of physical or psychological inferiority. In the law, situations in which victims are not subjected to total control and retain some freedom of movement, and in which they are not subjected to cruel forms of violence are also addressed. Moreover, particular attention is paid to the involvement of organized criminal networks in trafficking and the law extends the application of existing legal provisions on mafia, terrorism and subversion to human trafficking and slavery, on the assumption that they have similar characteristics.

Any attempt to commit human trafficking is also criminalized. Penalties ranging from 8 to 30 years' imprisonment and the confiscation of profits derived from trafficking are provided for. The latter contributes to a yearly fund of 8 million euros that is mostly financed by a yearly government budget allocation. The fund assists programmes under article 13 of the law, which grants temporary three-month residence permits and provides social assistance to foreigners who are victims of trafficking on the Italian territory, including European Union citizens.

28. Law No. 228/2003 amended several provisions of the Italian Criminal Code, including articles 600 (holding a person in slavery or servitude), 601 (trafficking and slave trade) and 602 (sale and transfer of slaves), which were used to prosecute trafficking cases. In order to prove the offences under articles 600, 601 and 602 of the Criminal Code, there must be evidence that the victim was recruited using "abusive means", which is often difficult to establish as trafficking and smuggling are often cross-cutting.

29. The trafficking of children is often prosecuted under articles 600 bis of the Criminal Code (child prostitution), 600 ter (child pornography) and 600 quarter (possession of pornographic material), as well as under Law No. 228/2003. Penalties are increased by between one third and one half when victims are minors, destined for prostitution or intended for organ-harvesting.

30. More recently, a new crime relating to the exploitation of minors for forced begging has been introduced by Law No. 94/2009; the offence had previously been treated as a misdemeanour. Not only are those who make use of minors (aged 14 and under) in begging or allow them to beg punished, but also those who allow someone else to exploit minors under their authority or entrusted to their custody or guardianship for that purpose.

31. The legal framework for addressing prostitution is piecemeal. The main piece of legislation is Law No. 75/1958 on Prostitution and the Fight against the Exploitation of the Prostitution of Others. Under that law, prostitution is decriminalized, while the control and exploitation of those in prostitution remains a criminal offence. Article 3 of the law prohibits the establishment of brothels and article 7 abolishes compulsory medical checks for and police monitoring and registration of prostitutes. Article 3 sets out a series of offences in an effort to sanction all activities which would in any way facilitate, abet or procure persons for prostitution. They include activities by national or foreign associations, inducing a person to move to a given location to engage in prostitution and leasing property for the purpose of prostitution being conducted therein. The penalties for each of these offences, despite differences in their gravity, are the same: between two and six years' imprisonment and a 500,000 to 20 million euro fine. Aggravating circumstances listed under article 4 means the penalties are doubled in cases where the offender uses threats, deception or violence or where there are multiple victims. The sole scenario where the law will hold a prostitute's client criminally liable is when the victim is 18 years of age or younger.

32. There is no specific legislation criminalizing forced labour. However, slavery and servitude are prohibited. Article 600 of the Criminal Code includes "forced labour" and "forcing [a] ... person into begging" in its definition of "slavery or servitude". This same definition was adopted for the trafficking in persons offence (art. 601). Moreover, under article 12, paragraph 3-ter, of the 1998 Immigration Act, acts undertaken to recruit persons for prostitution or for sexual and labour exploitation, or for the exploitation of minors in illicit activities, or for profit, even indirect, are criminalized. Under article 2 of the same law, it is also an offence to hire foreigners without a residency permit. Article 11 of Law No. 189/2002 modifying immigration and asylum regulations (Bossi-Fini Law) envisages penalties of up to 12 years' imprisonment and a fine of 15,000 euros for each undocumented person smuggled into the country for a profit. Penalties may be increased to 15 years and 25,000 euros if those smuggled were also subjected to inhuman or degrading

treatment, the purpose of the smuggling was for sexual exploitation or those involved were minors and were intended to be participants in illicit activities.

C. Criminalization of irregular migration and the impact on trafficked persons

33. Italian legislation distinguishes between the crimes of smuggling and trafficking in persons. However, the Special Rapporteur observed that political and public attention directed towards all issues pertaining to migration has led to discourse and policies with a national security focus, which have led to the criminalization of undocumented migrants and which, where not carefully designed, have failed to distinguish trafficking from other forms of migration. This contributes to confusion between the broader class of irregular migrants and victims of trafficking, who are often categorized as irregular or undocumented and thus not identified as victims.

34. Irregular migration is prohibited under article 11 of the Bossi-Fini Law. In the law, severe border control measures are stipulated and more power for removals, longer periods of detention and increased penalties for migrants who fail to comply with the removal orders provided for. Laws Nos. 92/2008 and 94/2009 aimed at fighting widespread irregular migration and organized crime led to the criminalization of irregular immigration, the criminalization of aiding and abetting irregular migration, including providing housing or employment to irregular migrants, thus facilitating expulsion and an extension of the period of detention for irregular immigrants to six months. Furthermore, the status of irregular migrant is defined as an aggravating circumstance for other criminal offences. Law No. 129/2011 extends the maximum term of detention in a centre for identification and expulsion from 6 to 18 months. It should be noted, however, that this provision was declared unconstitutional by the Italian Constitutional Court, although it remains law (see A/HRC/23/46/Add.3, para. 17).

35. Undocumented migrants are usually first processed through first assistance and reception centres and upon assessment are transferred to centres for identification and expulsion where their nationality is determined, so that they can be removed from the country.

36. Detention in such a centre and expulsion of an irregular migrant is confirmed or validated within 48 hours by a magistrate (*giudice di pace*), who often has not been given specific training on migration, asylum or trafficking issues. For the validation of expulsion and detention orders, a defence lawyer, either chosen by the expellee or court-appointed, has to be present. In practice, court-appointed lawyers are often not specifically trained in migration and asylum matters. All these factors contribute to the failure to properly identify victims of trafficking.

37. The strong political inclination towards criminalizing and prosecuting people smuggling may have unintended negative consequences for the victims of trafficking. Any irregular migrant wanting to report abuse, including trafficking and labour exploitation, risks exposing himself or herself to the real danger of being charged for the offence of "irregular entry or stay", and even detained and ultimately expelled. As a result, many irregular migrants are afraid to contact the authorities and avoid seeking legal protection and remedies, even when they are entitled to them. This approach that emphasizes national security also leads to the criminalization of victims for crimes committed while being trafficked and for which they should not be held liable. That is a clear violation of the international legal obligation of Italy to identify victims of trafficking; to provide

immediate protection and support to such persons; and to ensure that they are not criminalized for offences relating to the fact of their having been trafficked.[5] The situation is particularly worrying since irregular migrants include children. The processes used to determine the age of migrants are such that unidentified minors often end up in adult detention centres.

New developments after the visit of the Special Rapporteur

38. The Special Rapporteur was pleased to learn that, following the Lampedusa tragedy on 3 October 2013, the Justice Commission of the Senate approved an amendment to the Bossi-Fini Law to abolish the crime of irregular migration. The Italian Senate, on 21 January 2014, voted in favour of the abolishment of the crime of irregular entry and irregular stay, through the adoption of an amendment to the proposed law No. 925/2014 regulating procedural reforms of the current prison law. The Chamber of Deputies is requested to approve the amendment for the reform to take effect.

D. Institutional framework

39. The National Anti-Mafia Agency (Direzione Nazionale Anti-Mafia, DNA) is the prosecutorial office for human trafficking offences. It forms part of the Ministry of Justice and is the national office for the criminal prosecution of organized crimes. It coordinates all mafia-related investigations and collects data on criminal proceedings for trafficking in human beings. It is composed of members of the Public Prosecutor's Office, a judicial authority entrusted with directing investigations and the judicial police. DNA acts as the central coordinating body to ensure the effective organization of investigations by the 26 district anti-mafia directorates countrywide, which gather information about offenders, victims and crimes committed. That information is then entered into a database coordinated by DNA. DNA was able to develop a list of indicators to identify cases of trafficking which is in turn used by the district directorates. The crimes investigated include criminal association to commit offences under articles 600, 601, 602 of the Criminal Code and paragraph 3 bis of the 1998 Immigration Act relevant to trafficking in persons. The district directorates are responsible for seizing mafia proceedings.

40. DNA also cooperates with the Ministries of Justice and Foreign Affairs on legislation and international agreements and participates in meetings held by the United Nations Office on Drugs and Crime and the Organization for Security and Co-operation in Europe. In order to foster cooperation in fighting transnational organized crime, DNA has established relations with the judicial authorities in various countries and concluded memorandums of understanding to facilitate the investigation and prosecution of traffickers.

41. An inter-ministerial commission for the support of victims of trafficking, violence and serious exploitation was put in place in compliance with article 18 of the 1998 Immigration Act to coordinate monitor and plan all national resources allocated to social assistance and integration programmes for victims of trafficking. It was chaired and coordinated by DEO and composed of representatives of the Ministries of the Interior, Justice, Labour and Social Policy, the Department for Family Policy, the Permanent Conference of the State, Regions and the Autonomous Provinces and the National Association of Italian Municipalities. The Special Rapporteur learned of the dissolution of this commission in July 2013 owing to budgetary constraints, but is hopeful that the new

[5] See Principles and Guidelines on Human Rights and Human Trafficking.

mandate of DEO to act as the national equivalent mechanism will enhance the coordination of all activities to combat trafficking in persons and protect its victims.

42. DEO, under the Italian Presidency of the Council of Ministers, is the central public authority in charge of promoting and coordinating anti-trafficking policies and actions, with a focus on a human rights-based approach. It manages an 8 million euro special fund each year for the provision of primary and long-term assistance services to victims of trafficking. Each year, CSOs are called upon to tender project proposals to assist the Government in implementing social assistance programmes and, on that basis, DEO selects and co-finances with local authorities, article 18 projects on a 70/30 ratio and article 13 projects on an 80/20 ratio. However, the Special Rapporteur received worrying information about the failure of local authorities to meet their share of the financial contribution, which has a negative impact on the implementation of the selected projects. According to the Government, despite limited resources, 21,347 victims, including 1,196 children, were assisted within the framework of article 18 projects between 2000 and 2012, while 3,704 victims, of whom 203 were children, received assistance under article 13 projects between 2006 and 2012. An average of 2,000 people are said to be assisted each year. At the time of the visit, the Special Rapporteur was informed by various interlocutors that cuts to the fund were envisaged and warned that they would jeopardize victims' welfare and their access to effective remedies, as well as contribute to eroding the extensive experience and expertise of Italy in combating trafficking. In early 2014, DEO reported that the fund had been refinanced in the amount of 5 million euros for the year, which represents a 3 million euro cut in comparison with previous years.

43. While DEO manages a database of information from CSO and local authorities' reports, the absence of a harmonized and centralized data-gathering system renders the collection of comprehensive nationwide statistical information difficult. Moreover, data on trafficking are gathered by two different institutions: DEO gathers data on victims assisted under article 13 and article 18 projects; DNA gathers data on victims identified through judicial procedures and investigations (under articles 600, 601 and 602 of the Criminal Code). The absence of clear protocols for identification and data registration contributes to the lack of clarity and understanding of the phenomenon of trafficking in Italy, which in turn affects the design of policies and programmes to accurately and adequately tackle trafficking in persons.

44. Another challenge in the country's combating trafficking is the absence of a national comprehensive and harmonized plan of action. As a result, anti-trafficking initiatives have been uncoordinated and disparate, the identification of and assistance to victims are ad hoc, responsibilities among the various actors are blurred and training remains inadequate.

45. The Special Rapporteur learned that the development of a national strategy to strengthen cooperation between the national authorities and CSOs and to enhance the implementation and the evaluation of all national measures against human trafficking has been in the pipeline for several years. In 2007, a human trafficking observatory (Osservatorio Nazionale sul Fenomeno della Tratta degli Esseri Umani), whose main task was to draft a national action plan,[6] was established by DEO, only to cease operation in 2013. However, the Special Rapporteur is pleased to learn that legislative decree No. 24/2014, which was adopted in early 2014, provides for the establishment of a national action plan against trafficking in persons.

[6] DEO, "Towards the construction of an anti-trafficking national plan", (2008). Available from www.progettoroxana.it/roxana/components/com_docman/dl2.php?archive=0&file=cmFwcG9ydG9fY29taXRhdG8ucGRm.

46. The Special Rapporteur was informed of corruption in pivotal public positions, ranging from the police and judiciary to the diplomatic services, which hinders the country's efforts to fight trafficking in persons. She received information of an instance in southern Italy where employers were forewarned of a labour inspection, thus giving them the opportunity to ensure that no irregular workers were present during the inspection. She also was made party to allegations of corrupt consular staff in an African State providing visas to victims of trafficking in collaboration with traffickers.

E. Identification of trafficked persons

47. In Italy, a global figure for the number of victims identified in a given year is not available. Existing data cover victims who benefited from articles 13 and 18 projects and those identified through investigations. However, the absence of a centralized and harmonized database means there is no clear, full picture of the phenomenon at the national level. According to DEO,[7] in 2012 2,621 victims of trafficking were assisted under article 13 and 18 projects, while the number in 2011 was 2,655. Over the two years, more women (3,814) than men (1,389) were assisted. In 2012, 66.8 per cent of victims assisted had been subjected to sexual exploitation, 16.4 per cent to labour exploitation, 3.9 per cent had been forcefully involved in criminal activities, while 1.5 per cent had been held in domestic servitude.

48. In 2000, a national helpline for victims of trafficking in human beings, known as the Numero Verde anti-tratta, was established and funded by DEO and is the first channel for identification. The helpline is anonymous and free, and reports can be made by victims themselves, social and law enforcement agencies, the judicial authorities, clients, private institutions and the population at large. It aims to provide detailed information on rights and services granted to victims of trafficking in Italy in Albanian, Arabic, Bulgarian, Chinese, English, French, Hungarian, Moldovan, Portuguese, Russian, Spanish and pidgin. This 24/7 helpline is headquartered in Venice and run by trained operators, who make the first assessment, provide information and redirect calls to one of the 22 CSOs and public institutions charged with providing emergency assistance nationwide within two hours of notification. Thereafter, victims of trafficking are referred to the evaluation and crisis unit in their area, where they are interviewed with the support of linguistic and cultural mediators from the same cultural background as themselves.

49. Another channel for the identification of victims of trafficking is through the mobile units that ensure the presence of social services among populations at risk of exploitation, especially sex workers and beggars in the streets. The activities of the mobile units include monitoring exploitation, prevention and dissemination of information on risk behaviour, receiving requests for help, and reporting and sharing potential cases with the helpline. The Special Rapporteur acknowledges the benefits of such units working to identify victims of trafficking; nonetheless, she shares the concern of the social workers and other actors whom she met regarding the absence of a similar mechanism to address other forms of trafficking than for sexual exploitation, including labour exploitation.

50. Law enforcement agents are the third channel for victim identification and in principle should collaborate with the National Helpline and the evaluation and crisis units. While the system provides for victims of trafficking to meet with social workers before reporting to law enforcement authorities in order to foster trust and ensure they receive

[7] DEO, "Elaborazioni ed analisi a cura della Segreteria Tecnica". Available from www.pariopportunita.gov.it/images/stories/documenti_vari/UserFiles/Il_Dipartimento/tratta/Dati3_tratta.pdf.

adequate information on their rights as victims, this rarely occurs. In practice, law enforcement officers are often the first point of contact for victims and tend to request a deposition from them before alerting social workers. Moreover, the Special Rapporteur was informed of instances where officials at the local police headquarters had decided whether or not a person was a victim of trafficking and should therefore benefit from victim assistance programmes or not. Decisions by regional authorities do not follow a national set of guidelines nor standard identification procedures and are thus subjective and vary from region to region. The Special Rapporteur further notes that, de facto, this channel makes assistance conditional on victims' cooperation with law enforcement authorities, contrary to the guarantees of the law. Furthermore, considering the harsh immigration laws, the sheer number of migrants arriving in Italy, victims' fear of providing information about their status — including because they are intimidated by any traffickers who may be among them — and the limited capacities of some law enforcement officials, victims of trafficking are at risk of being misidentified as undocumented migrants rather than actual victims. This process could additionally lead to the prosecution of victims for crimes committed while being exploited. A case in point is that of a Nigerian girl, trafficked for sexual exploitation, who was misidentified and arrested as an irregular migrant on three separate occasions in Lampedusa and Turin.

51. In that regard, the Special Rapporteur was pleased to learn about the plan of the European Asylum Support Office for the training, from October 2013 to December 2014, of immigration and law enforcement officers in charge of receiving migrants at entry points.

52. Labour inspectors, as part of the Carabinieri Command for the Protection of Labour, which is a unit of the Carabinieri Mobile and Special Organization, operate under the Ministry of Labour. Inspectors are tasked with monitoring the application of labour legislation and social security in industrial and commercial firms, offices, farms and, broadly, where paid work is foreseen. A short training course enables these inspectors to detect abuses, check working conditions and protect the security and health of workers, especially of those in vulnerable conditions, such as foreigners and minors. Their main task is to stamp out illegal employment and every type of human exploitation, which exploitation is frequently linked to irregular immigration, trafficking in human beings and slavery.

53. In order to address victim identification at its borders, Italy has, since 2006, been implementing the Praesidium programme to strengthen the initial reception capacity with respect to mixed migratory movements in the main places where migrants arrive, i.e., Sicily, Calabria and Apulia, in collaboration with IOM, UNHCR, the Italian Red Cross and Save the Children International. UNHCR provides information on the asylum system, while IOM focuses on victims of trafficking. The multi-agency approach allows for timely identification of specific needs and possible responses thereto, which include using the asylum procedure or other forms of protection or opting for voluntary return.

54. IOM Italy focuses on assisting victims of trafficking for sexual purposes, mainly young Nigerian women arriving by sea along the southern Italian coast, using specific trafficking indicators and interviews. While acknowledging the efforts of the organization to address trafficking of that particular group, the Special Rapporteur considers that equal attention should be paid to all incoming migrants who may be in position of vulnerability. As an evolving phenomenon, trafficking in human beings takes different forms. Moreover, it was reported that often victims of trafficking arriving as undocumented migrants apply for humanitarian residence permits and, if their application for asylum is rejected, have no other means of obtaining protection. In practice, asylum seekers are not given access to the assistance and protection measures available for victims of trafficking, and vice versa. Victim identification remains a major challenge.

55. An interministerial working group aims to develop a protocol for the identification of child victims of trafficking. Upon arrival at border points, adults and children are systematically separated. A medical examination is available to determine the age of the persons, who, in case of doubt, are considered to be minors. According to information provided by CSOs, the identification of underage victims is difficult as they often declare themselves to be adults. In that connection, the Special Rapporteur notes with concern that not enough time and effort seem to be provided for the proper identification of victims, especially children. Her brief discussion with a group of young Nigerian girls who had just been transferred from Lampedusa to the centre for identification and expulsion in Ponte Galeria, Rome, indicated that, while all declared themselves to be adults, some might have been minors, as was revealed by the inconsistencies in their interview with the Special Rapporteur.

56. The Special Rapporteur observes that the official numbers of victims identified may not be indicative of the true extent of the problem of trafficking. Moreover, the lack of a harmonized system of data collection does not allow for a clear and comprehensive understanding of the scope of the phenomenon, even for those victims who have been identified. Despite the diverse identification channels, the existing identification protocols remain uncoordinated and implementation inadequate.

57. Furthermore, the Special Rapporteur expresses concerns that the emphasis and focus on trafficking for the purpose of sexual exploitation has led to the neglect of other forms of trafficking. The identification of victims of trafficking for the purpose of labour exploitation is less than satisfactory. In addition, CSOs working with victims of labour trafficking report that one of the main shortcomings in addressing those victims is the absence of a clear legal framework protecting victims of labour exploitation, who, if reported to law enforcement authorities, face criminal charges for their irregular immigration status under the Bossi-Fini Law, rather than receiving protection.

F. Protection of trafficked persons

58. Victim protection is mainly guaranteed through the provision of comprehensive social protection including the issuance of a social protection residence permit not contingent on the victim's cooperation with the investigation, placement in a shelter, access to health-care services, legal counselling and assistance during trial, as well as psychological and social service support, cultural and language mediation and training, educational activities, job orientation and vocational training.

59. As part of article 13 and 18 projects, shelters function as safe houses where victims' integrity and privacy are protected. Once victims are identified, they are often sent to shelters in other communities to protect them from their traffickers. A social assistance plan is then developed in coordination with the victim and the local social services unit. Victims are provided with assistance during the first three months of their stay, during which a residence permit is issued that can be renewed for up to 18 months, depending on how the plan evolves and the person works with the social services. Upon assessment of the progress made by the victim over the first three months, a voluntary return to the country of origin may be proposed. The Special Rapporteur notes a good practice in the Venice region, where former victims who have been trained as cultural mediators actively contribute to helping other victims. This is instrumental in building trust with new victims. Following an interview conducted by social workers, victims are enrolled in article 13 projects where they stay in a protected shelter to begin a three-month reflection period. During that period, they receive legal assistance, health-care services and Italian-language training.

60. It is worth noting the absence of specialized shelters for male victims of trafficking. The Special Rapporteur received information about one newly opened NGO-run shelter for

male victims of trafficking for labour exploitation in the Caserta area. It is also of concern to note the limited number of shelters specialized in receiving child victims of trafficking. The Special Rapporteur underlines the importance of placing child victims of trafficking in shelters where they are not mixed with other types of vulnerable children, as they have often suffered severe traumatic experiences and need specific psychological care and tailored rehabilitation programmes.

61. At the end of the 18-month programme, the residence permit can be converted, but only if the victim obtains employment. The Special Rapporteur notes with concern that the article 13 and 18 projects do not allow for long-term rehabilitation, because the likelihood of finding employment without adequate work experience is proving low in the prevalent economic climate, where even the unemployment rate of Italians is high. This can drive victims back into exploitation as they try desperately to look for employment in an attempt to obtain a work permit.

62. The Special Rapporteur further notes that victims do not seem to fully grasp that, once their social protection residence permit has expired and if they have not been able to find a job, they become irregular migrants and subject to deportation. During interviews in centres for identification and expulsion, several individuals stated that they had been arrested while attempting to renew their social residence permits under article 18. This is a challenge in the protection system, as once victims fall back into irregularity they become vulnerable again and are at risk of further exploitation.

63. In the context of judicial proceedings, Italian law provides that all victims are entitled to receive high-level witness protection (art. 2, para. 2, of Legislative Decree 23 April 2004, No. 161 of the Ministry of Interior and art. 51, para. 3 bis, of the Code of Penal Proceedings); such protection includes the provision of bodyguards and access to safe houses. However, in practice, that protection is rarely available to victims of trafficking. Instead, such victims are provided protection during court hearings and, at the victim's request, the trial can be conducted in closed hearings, in accordance with article 15 of Law No. 228/2003. According to the Ministry of Justice, hearings can also be held using an interphone system, so that victims do not see their traffickers, who in turn do not see their victims. However, by law the defendant has a right to know the identity of the victim, unless the victim is a child.

64. The protection of the family members of victims of trafficking is generally beyond the scope of what can be offered by the Italian authorities. The Special Rapporteur received information on pressure and threats made to victims' families in order to force submission to exploitation. It was further reported that threats to families are not only physical or psychological but also economic, as in some cases families provided collateral to finance victims' migration projects.

G. Investigation and prosecution

65. The law provides severe penalties for trafficking-related offences. However, conviction rates are very low. According to the Ministry of Justice, Italy currently counts 154 persons convicted of the offence of trafficking, of whom 70 were given sentences ranging from 5 to 10 years, and 45 sentences ranging from 10 to 40 years. The low number of individuals convicted as compared to the number of investigations testifies to the difficulties that are encountered during the prosecution phase. If during the cross-examination phase of the trial, victims state that they do not remember their initial statement, that statement is no longer admissible. Given the very fragile state of victims of trafficking and their fear of traffickers, it is often the case that a victim's initial statement is no longer admissible in court. Therefore, the prosecution has to gather substantial evidence prior to the court hearing. Judicial officials reported that, because the Italian legal system

provides defendants with strong defence guarantees, investigations are lengthy and expensive. The legal system provides for an extended statute of limitation for trafficking offences, which is twice as long in order to allow victims more time, in case they decide to report their traffickers at a later stage.

66. DNA maintains a database of information on trafficking crimes, cases under investigation and victim profiles for trafficking-related offences, in accordance with articles 600, 601 and 602 of the Criminal Code. Between 2009 and 2013, a total of 2,127[8] individuals were identified as having been victims of offences listed under the above-mentioned articles of the Criminal Code. However, recently, there has been a significant decrease in the number of trafficking cases investigated in Italy. According to DNA statistics, between 2009 and 2013, the number of investigations decreased by 54 per cent, reflecting the 84 per cent drop in the number of victims identified by DNA. Over that five-year period, the number of child victims identified decreased by 89 per cent, while the number of adult victims identified dropped by 83 per cent. Between 2009 and 2013, victims from 21 countries were identified, including Italy.

67. It was reported that programmes under article 18 operate as an effective tool in increasing victims' cooperation with investigations. The long-term residence permit provided through the social path, which does not require cooperation with the police, helps build trust with the authorities and, as a result, leads victims to seek redress by registering an official complaint with the police. According to information received, from 2004 to 2007, 3,805 residence permits were issued. However, there has been a significant decrease in the number of social protection residence permits issued in recent years. In 2011, 2,106 permits were issued, a number partly due to the large influx of irregular migrants owing to the Arab Spring, while 974 residence permits were issued in 2012.

68. Not all forms of trafficking are equally investigated. While DNA has conducted some effective investigations into trafficking for labour exploitation, the slowness of the labour court system leads to many cases being settled by mediation. Nonetheless, the Special Rapporteur was informed about a Polish criminal group responsible for trafficking workers from Poland to Italian farms between 2005 and 2008 that had been successfully identified. She was further pleased to learn about 22 arrest warrants issued in May 2012 in Apulia based on charges of trafficking of Ghanaian and Tunisian migrants who were subjected to "slavery-like conditions".[9]

H. Redress for victims of trafficking

69. It is important to note that Italy does not have a State-funded compensation scheme for victims of trafficking in persons, despite the provisions of European Union directive 2004/80 relating to compensation to crime victims and article 19 of European Parliament and Council directive 2011/36/EU, according to which victims of trafficking must have access to a compensation scheme. While directive 2004/80 was enacted in national law in legislative decree No. 204/07, it is deemed to be inapplicable to victims of trafficking in persons. It should also be noted that Italy is required to take steps to provide effective remedies for victims of trafficking under both the Palermo Protocol and the Council of Europe Convention on Action against Trafficking in Human Beings."

[8] DNA, "Dati statistici sulla tratta e reati connessi" (2013).

[9] Amnesty International, *Exploited Labour: Migrant Workers in Italy's Agricultural Sectors* (London, 2012), p. 28. Available from www.amnesty.org/en/library/asset/EUR30/020/2012/en/bb31a7ab-6537-43f8-92a8-c7b1f484198a/eur300202012en.pdf.

70. The only path for compensation available to victims of trafficking in persons is a civil claim under articles 74 and 75 of the Italian Criminal Code. However, it is generally a difficult process, hampered by long delays and the fact that traffickers are often insolvent and that NGOs normally have no budget to cover legal fees. The Special Rapporteur received information from the Ministry of Justice that, during the legal proceedings, victims can request compensation, which can only be granted upon the seizure and forfeiture of the trafficker's assets, including before conviction. Yet, within this specific framework, compensation remains uncertain and insubstantial.

I. Repatriation and reintegration

71. The Ministry of the Interior is responsible for the programme of voluntary return and works with IOM in its implementation. Victims who choose to return home are provided with information and counselling, receive assistance with obtaining travel documents and are accompanied by IOM on their journey. The evaluation and Crisis Units have also been involved in facilitating victims' safe return, especially child victims. It was reported that there is close cooperation with local authorities in order to facilitate the safe return of trafficked children, particularly when the return is to a European country. Often cultural mediators physically accompany children back to their country and are thus able to assess the situation there. Once home, repatriated victims benefit from a six-month follow-up programme to facilitate their reintegration into society. However, very few victims choose to return home and often end up falling into irregularity.

72. Assistance programmes under article 18 include tailored activities to help victims develop a set of skills that can enable them to better integrate into Italian society and have access to the labour market. However, it was also underlined that, in some cases, integration into Italian society was impossible in the medium term and that safe return would be a more viable option.

J. Prevention

73. The focus of the Government has been more on victim assistance than prevention. At present, public awareness campaigns and bilateral agreements (often focused on irregular migration) are the two main activities in the area of prevention. Difficulties specific to prevention include the existence of an underground economy controlled by organized crime in which workers are susceptible to intimidation and coercion.

1. Creating safe migration pathways

74. Legislation regularizing the residence status of migrants was adopted, enabling employers to regularize all their informally hired workers. However, widespread fraud — usually perpetrated by Italian employers — during the regularization process was noted. According to information received by the Special Rapporteur, a number of migrants have been requested by their employers to pay an amount of money ranging from 500 to 4,500 euros in order to obtain a work residence permit and have their status regularized. The Special Rapporteur was informed by CSOs that, in some cases, employers duly followed the regularization process, but it is estimated that the majority of employers submitted applications but subsequently failed to complete the required administrative steps. In other cases, employers asked for additional payment to follow through the regularization procedure or erroneously informed the migrant workers that they were in compliance with all the rules.

2. Awareness-raising

75. Anti-trafficking CSOs funded by the Government carry out local campaigns with the aim of reducing the demand for prostitutes. Unfortunately, the exploitation of trafficked workers is not addressed by those campaigns. Previous national public-awareness campaigns include *La tratta cancella le persone, tu puoi cancellare la tratta* (Trafficking terminates people, you can terminate trafficking) in 2009 and a joint project with Romania entitled *La tratta non perdona* (Trafficking in persons does not forgive) in 2010. In addition, since 2007, Italy has been a member of the European G6 initiative against trafficking in human beings, the aim of which is to conduct awareness campaigns and focus on victim protection. CSOs provided information to the Special Rapporteur on the efforts made in countries of origin, such as Nigeria, to warn people of the dangers to which they are exposed when choosing informal migration channels.

76. Furthermore, CSOs reported that the issue of discrimination and racism has a further impact on victims' ability to seek and obtain protection as provided for by law. Indeed, the general perception of undocumented migrants as criminals has led to the development of a bias against them. Moreover, in the context of labour exploitation, and particularly domestic servitude, the prevalent belief seems to be that, even if undocumented migrant workers are underpaid, they are rendered a favour through the provision of employment and a wage that they would not have in their countries of origin.

K. Cooperation and partnership

1. Cooperation with civil society

77. The Government relies largely on CSOs, including faith-based organizations, to implement social protection programmes, which include providing shelters, vocational education and legal assistance to trafficked persons, especially women and girls, through the allocation of periodic government funds following tenders. The challenge of this system is its short-term, project-based approach, which has an impact on the effectiveness and sustainability of the assistance provided to formally recognized victims or potential victims of human trafficking. Moreover, it was reported that non-provision or delays in funding by local authorities have hampered the quality of assistance provided to victims. In Naples, some CSOs have reportedly experienced a three-year backlog in the transfer of funds for the operation of their activities.

78. Moreover, the Government has yet to develop a mechanism to monitor and evaluate the actual implementation of the selected projects and their impact on targeted populations. CSOs also stressed the necessity for the Government to be more receptive to the different needs of organizations implementing the social assistance programmes, which may vary from one region to the other.

2. International, regional and bilateral cooperation

79. Italy has concluded several bilateral agreements with source countries in Africa, in which the Government committed itself to providing training equipment and other benefits in return for specific action to prevent unauthorized departures of migrants from their territories, and the reception of irregular migrants found in international and Italian waters. For example, on 3 April 2012, Italy entered a bilateral agreement with Libya to combat unauthorized departures of migrants. Those agreements, and the actions that they have authorized, have been widely criticized on human rights grounds, as migrants, refugees and asylum seekers often risk serious human rights abuses in their home country. The bilateral framework does not include specific safeguards for asylum seekers and refugees.

80. Regarding the main source countries of irregular migrants, Italian attempts to effectively cooperate with law enforcement authorities in Nigeria have yet to yield tangible results. From 2009 to 2012, the European Union and the International Labour Organization carried out and funded a joint 1.26 million euro programme aimed at developing cooperation between Nigeria and Italy with a view to prosecuting traffickers, protecting and reintegrating victims and preventing trafficking.[10] This programme focused on training Nigerian law enforcement officials and compiling statistical data on the scope and forms of human trafficking from Nigeria to Italy and other countries. Challenges include requests that are not answered expeditiously or at all, and the provision of new passports to undocumented migrants who have obtained their passports under false names but with their own fingerprints.

81. Since 2000, Romania and Italy have also engaged in a partnership to conduct joint law enforcement operations and investigations. A joint investigation team in place since 2006 also facilitates the repatriation of victims and allows for Romanian police officers to be present on Italian territory to investigate Romanian organized crime networks operating in Italy. From 2012 to mid-2013, 159 Romanian victims of trafficking were identified in Italy, of whom 70 were returned to Romania.

82. At the regional level, Italy also works jointly with regional mechanisms such as the European Police Office and the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX) to combat human trafficking in source countries, Italy and Europe. Moreover, the Italian presidency of the European Union, to be assumed in mid-2014, will focus on the thematic priority of the Year of the Mediterranean, which addresses border security and immigration issues, inter alia.

III. Conclusions and recommendations

A. Conclusions

83. **The Special Rapporteur recognizes the efforts of Italy to fight trafficking in persons reflected in the ratification of the major international and regional human rights instruments, the promulgation of comprehensive national anti-trafficking legislation and the establishment of an anti-trafficking referral system, which hosts a hotline for reporting cases of trafficking and provides for the identification and assistance of victims of trafficking and their social inclusion or repatriation of victims.**

84. **Despite these positive steps, challenges must be addressed if Italy is to succeed in effectively combating trafficking in persons: its capacity to engage in rapid and accurate victim identification appears to be inadequate.**

85. **The absence of a national strategy to combat trafficking in persons and the lack of a comprehensive and harmonized system for collecting statistical data, coupled with the State's main focus on combating the sexual exploitation of women and girls, with little attention paid to the growing incidence of trafficking for labour exploitation (which occurs notably in southern Italy), remain obstacles to accurately determining the scope of the phenomenon and effectively addressing it.**

[10] European Commission, Together Against Trafficking in Human Beings, "Enhancing cooperation to fight trafficking in human beings from Nigeria to Europe". Available from http://ec.europa.eu/anti-trafficking/entity.action;jsessionid=vRGBRPKQpTpJJ6Zr0JbBt1562fXTJHyQFkS2ZlWwnkZGmymnG49T!-1360130564?path=EU+Projects%2FM%26A_153-526_2008.

86. **With regard to the implementation of social protection programmes, social services provided by CSOs under articles 13 and 18 lack consistent funding, which jeopardizes these fundamental services for rehabilitating and reintegrating victims of trafficking.**

87. **In terms of the national legal framework, the Special Rapporteur encourages the Government to implement existing laws on trafficking in persons and extend the existing legislation on trafficking to cover all forms of trafficking, including labour exploitation, so that it provides adequate protection to all victims.**

B. Recommendations

88. **In view of the above observations, and in a spirit of cooperation and dialogue, the Special Rapporteur offers the following recommendations.**

1. Legal, policy and institutional frameworks

89. **The State should:**

(a) Ratify the International Convention of the Protection on the Rights of All Migrant Workers and Members of Their Families;

(b) Expedite the preparation of a national action plan that identifies objectives, delineates responsibilities, provides sufficient funding and sets out clear indicators to measure the progress and impact of policy response, in consultation with all stakeholders, including CSOs and faith-based organizations;

(c) Consider establishing and coordinating an inter-institutional cooperation-coordination mechanism or a network of government authorities at the national and regional levels, involving CSOs, in order to address trafficking issues through a multisectoral approach;

(d) Consider appointing a national rapporteur tasked with monitoring the progress, implementation and impact on human rights of anti-trafficking legislation and policy responses, as provided for in European Union directive 2011/36/EU.

2. Training and capacity-building

90. **The State should:**

(a) Consistently implement the existing identification system and allocate adequate resources to it throughout the country. This should be done by creating and reinforcing specific tools and protocols for identifying victims of trafficking, building capacities and providing training for relevant law enforcement agents, especially the police, immigration officials, labour inspectors and social workers, including in the centres of identification and expulsion. Such training should seek to enhance the capacity of those officials to identify trafficked persons quickly and accurately, and to make referrals to appropriate services, particularly when minors are involved;

(b) Strengthen the referral mechanism and ensure that it is understood by all stakeholders, including the law enforcement agencies and civil society organizations involved in anti-trafficking initiatives.

3. Support services to victims of trafficking

91. The State should:

(a) Provide sufficient resources for services to victims of trafficking and, where the Government is not directly providing such services (including shelter, compensation to victims as part of access to justice and the right to an effective remedy), it should continue to grant adequate funding to the non-governmental organizations that provide them. Adequate resources should be allocated over a longer term to enhance the effectiveness and sustainability of anti-trafficking initiatives by moving from project-based to service-based support. The recovery and reintegration of victims of trafficking should also be given continuous and adequate government funding;

(b) Protect the rights and freedom of women and men and prevent exploitation of migrant workers while promoting safe migration options;

(c) Given the inconsistent statistics on trafficking, create a centralized mechanism for the collection of statistical information on trafficking, including its forms, trends and manifestations. This is instrumental to designing informed policy responses to trafficking in persons;

(d) Undertake a risk assessment of all victims who are witnesses and tailor protection programmes accordingly. In certain circumstances, this could include issuing "family permits" alongside article 18 residence permits. It also implies cooperation and partnership with the law enforcement authorities in countries of origin so that they can provide the necessary protection to victims' families there.

4. Prevention

92. The State should:

(a) Scale up the identification of and strategically target individuals who are at particular risk of being trafficked, both in Italy and in the countries of origin. This requires close cooperation with source countries and a multilateral assessment of the salient characteristics of trafficking and smuggling flows;

(b) Raise public awareness through campaigns to change attitudes towards migrants and trafficked victims, using the media, information technology and other channels of communication in order to send a strong condemnation of all forms of human trafficking, both in Italy and in source countries, dispel myths and fight racist and discriminatory prejudice against migrants;

(c) Address demand as a root cause, as well as the factors that increase the vulnerability of persons to trafficking, including inequality, poverty and all forms of discrimination and prejudice. With a specific focus on sex trafficking, enhance work to reduce demand for sexual services and raise clients' awareness of the situation of those who provide the services.

5. International, regional and bilateral cooperation

93. The State should:

(a) Strengthen capacity-building partnerships with source countries, including through bilateral and multilateral agreements, and extend cooperation for the exchange of information and for mutual legal and investigation assistance. Partnerships should also be focused on addressing the root causes of trafficking in source countries jointly with States concerned;

(b) Maintain and strengthen closer cooperation with the relevant United Nations agencies and international organizations in the areas of identification, protection, repatriation and capacity-building;

(c) Promote public-private partnership to secure the necessary funds to combat all forms of trafficking.